

IN THE SUPERIOR COURT OF  
MARION COUNTY, INDIANA  
CIVIL DIVISION NO. 7

Kelli Kennedy,	)	Cause No. 49D07-1911-PL-047297
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
Peoplefirst Homecare & Hospice	)	
of Indiana, LLC	)	<b>NOTICE OF FILING OF</b>
	)	<b>NOTICE OF REMOVAL</b>
Defendant.	)	

Please take notice that Defendant Peoplefirst Homecare & Hospice of Indiana, LLC has filed, in the United States District Court for the Southern District of Indiana, Indianapolis Division, a Notice of Removal of the above-captioned case from the Superior Court of Marion County to the United States District Court for the Southern District of Indiana, Indianapolis Division.

A true and correct copy of the Notice of Removal filed with the United States District Court for the Southern District of Indiana, Indianapolis Division, is attached to this Notice, and a copy of this Notice is being filed with the Clerk of the Superior Court of Marion County, Indiana, thereby effecting a removal to United States District Court, and the Superior Court of Marion County, Indiana may proceed no further, unless the case is remanded.

Date: December 4, 2019

Respectfully submitted,

/s/ Charles M. Roesch

Charles M. Roesch  
**DINSMORE & SHOHL LLP**  
255 East Fifth Street, Suite 1900  
Cincinnati, Ohio 45202  
(513) 977-8200  
(513) 977-8141 (fax)  
chuck.roesch@dinsmore.com

**CERTIFICATE OF SERVICE**

I certify that on December 4, 2019, a copy of the foregoing document was provided to counsel for Plaintiff via email and U.S. mail, postage prepaid, at the following address:

Christopher K. Starkey  
406 South Harrison Street  
Shelbyville, Indiana 46176  
StarkeyCK@msn.com

/s/ Charles M. Roesch  
Charles M. Roesch

KELLI KENNEDY, )  
Plaintiff, )  
-vs- )  
PEOPLESFIRST HOMECARE )  
& HOSPICE OF INDIANA, LLC, )  
Defendant. )

COMPLAINT FOR DAMAGES & INJUNCTIVE RELIEF  
Jury Trial Requested

Plaintiff Kelli Kennedy ("Kennedy"), by counsel, for her causes of action against Defendant Peoplesfirst Homecare & Hospice of Indiana, LLC ("Peoplesfirst") alleges the following:

Introduction

1. This action arises under The Civil Rights Act of 1964, 42 U.S.C. §§1981, 2000e-2(a), 3(a). Kennedy claims Peoplesfirst discriminated against her because of her race, and then retaliated for seeking redress within the company.

Parties

2. Kennedy is an adult, and African-American.
3. Peoplesfirst is a foreign corporation. It is incorporated in Delaware.

Factual Allegations

4. Kennedy started working for Peoplesfirst in or about May 2018.
5. Kennedy's initial position was a Patient Care Secretary.
6. Kennedy later became a Lead Hospice Aide.

7. Kennedy was subjected to a serious incident of racial harassment at work on or about 2 July 2019, namely, Executive Director Ms. Carrie Dixon told her, "I own you."
8. Kennedy was offended by this, believing it to be racial.
9. These instances would have made any reasonable African-American feel her work environment was hostile.
10. Kennedy approached Dixon 11 July 2019 and told her how uncomfortable that had made her.
11. Dixon was agitated by this complaint, did not want to acknowledge it, and ultimately appeared angry that Kennedy so complained.
12. Kennedy then reported the incident to Ms. Christina Dickoff, Dixon's direct supervisor, on 11 July 2019.
13. Dickoff told Kennedy she would speak to Dixon about this incident.
14. On 12 July 2019 Dixon texted Kennedy to set up a meeting with them, Dickoff, and Ms. Allison Belcher, Clinical Manager.
15. At this meeting, Dixon complained of Kennedy's job performance, and stated that Kennedy would no longer have a company car.

16. Dixon asked Kennedy during this meeting if she was “angry,” “disgruntled,” and asked if Kennedy still wanted to work for

Peoplefirst.

17. Kennedy perceived Dixon's actions to be retaliation for the complaint of racial discrimination.

18. Kennedy reported the event to the administration 25 July 2019 through a hotline provided by Peoplefirst.

19. Peoplefirst terminated Kennedy's employment on or about 29 July 2019.

20. Peoplefirst stated the reasons for Kennedy's termination to be for patient complaints and not calling in and being absent from work.

21. These stated reasons were untrue, and pretextual for racial discrimination.

22. Her termination was also retaliatory for complaining about racial discrimination.

23. Kennedy filed a Charge Of Discrimination (“Charge”) with the Equal Employment Opportunity Commission (“EEOC”) 2 August 2019; she detailed these events in this document.

24. EEOC dismissed the Charge and issued Kennedy a Notice Of Suit Rights dated 14 August 2019.

Causes Of Action

25. Peoplefirst's actions against Kennedy were based upon race and hence impaired her ability to contract for employment with it.
26. Peoplefirst's failure to properly remediate the issues raised by Kennedy constituted racial discrimination, and violated 42 U.S.C. § 2000e-2.
27. Peoplefirst's failure to properly remediate the issues raised by Kennedy entitles her to the remedies of 42 U.S.C. § 1981a and 42 U.S.C. § 2000e-5, being actual and punitive damages, attorney fees, and interest.
28. Peoplefirst's failure to properly remediate the issues raised by Kennedy entitles her to injunctive relief pursuant to 42 U.S.C. § 2000e-5(g).
29. Peoplefirst's retaliation against Kennedy violated 42 U.S.C. § 2000e-3.
30. Peoplefirst's retaliation against Kennedy entitles her to the remedies of 42 U.S.C. § 1981a and 42 U.S.C. § 2000e-5, being actual and punitive damages, attorney fees, and interest.
31. Peoplefirst's retaliation against Kennedy entitles her to injunctive relief pursuant to 42 U.S.C. § 2000e-5(g).

Claims For Relief

Plaintiff by counsel, prays that this Court will:

- A. ENTER judgment in her favor and against Defendant;
- B. AWARD such monetary relief determined to be proper;
- C. ENJOIN Defendant from violating Plaintiff's civil rights and order her rehire;
- D. AWARD attorney's fees and costs pursuant to 42 U.S.C. § 2000e-5(k), and
- E. GRANT all such other relief as may be proper.

Jury Trial Request

Plaintiff requests all legal issues be tried to a jury.

/s/Christopher K. Starkey

Christopher K. Starkey

Attorney for Plaintiff

Christopher K. Starkey, Atty No. 11757-49  
406 South Harrison Street  
Shelbyville, Indiana 46176  
Phone (317) 550-7608  
StarkeyCK@msn.com

KELLI KENNEDY, )  
Plaintiff, )  
-vs- )  
PEOPLESFIRST HOMECARE )  
& HOSPICE OF INDIANA, LLC, )  
Defendant. )

## APPEARANCE

1. The undersigned appears for Plaintiff, initiating party.
2. Applicable attorney information for service:

**Name:** Christopher K. Starkey  
**Address:** 406 South Harrison St  
Shelbyville, IN 46239

**Atty Number:** 11757-49  
**Phone:** (317) 550-7608  
**Email:** StarkeyCK@msn.com

3. If first initiating party filing this case, the Clerk is requested to assign this case the following Case Type under Administrative Rule 8 (b) (3): PL
4. I will NOT accept service by FAX at the above noted number.
5. This case involves support issues: YES\_\_ NO \_X\_.
6. There are related cases: YES \_\_ NO \_X\_.
7. This form has been served per with Trial Rule 5.
8. Additional information required by state or local rule: None

/s/Christopher K. Starkey  
Christopher K. Starkey  
Attorney for Plaintiff



## SUMMONS

Kelli Kennedy,  
Plaintiff,

-vs-

Peoplefirst Homecare & Hospice of Indiana, LLC,  
Defendant.

TO DEFENDANT: Peoplefirst Homecare & Hospice of Indiana, LLC c/o CT Corp. System  
150 West Market St, Suite 800, Indianapolis, IN 46204

You are hereby notified that you have been sued by the person named as plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the plaintiff.

An answer or other appropriate response in writing to the complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by plaintiff. This answer or response must be filed with the Marion County Clerk at Room #W-122, 200 East Washington Street, Indianapolis, IN 46204. A copy must also be sent to the Attorney for Plaintiff.

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

Dated: 11/12/2019

*Nyle A. Edwards*  
(Seal) Clerk, Marion Court

(The following manner of service of summons is hereby designated.)

<u>  X  </u>	Registered or certified mail
<u>      </u>	Service at place of employment, to-wit:
<u>      </u>	Service on individual --- (Personal or copy) at above address
<u>  X  </u>	Service on agent (Specify) Resident Agent at the above address
<u>      </u>	Other service (Specify) Private Process

Christopher K. Starkey, Atty No. 11757-49  
Attorney for Plaintiff  
406 South Harrison St, Shelbyville, IN 46176  
Address  
(317) 550-7608  
Telephone  
StarkeyCK@msn.com



CAUSE NO. 49D07-1911-PL-047297  
Marion Superior Court, Civil Division 7

KELLI KENNEDY, )  
Plaintiff, )  
-vs- )  
PEOPLESFIRST HOMECARE )  
& HOSPICE OF INDIANA, LLC, )  
Defendant. )

CERTIFICATE OF ISSUANCE OF SUMMONS

Plaintiff counsel pursuant to Indiana Rule of Trial Procedure 86(G)(2)(c)  
hereby certifies that he mailed the complaint and summons to Defendant by U.S.  
Certified Mail, on 12 November 2019.

At: Peoplesfirst Homecare & Hospice of Indiana, LLC c/o CT Corp. System  
150 West Market St, Suite 800, Indianapolis, IN 46204

Tracking No.: 7017 1450 0001 58549 4813

12 November 2019

/s/Christopher K. Starkey  
Christopher K. Starkey

Christopher K. Starkey  
Atty No. 11757-49  
406 South Harrison Street  
Shelbyville, Indiana 46176  
(317) 550-7608  
StarkeyCK@msn.com

CAUSE NO. 49D07-1911-PL-047297  
Marion Superior Court, Civil Division 7

KELLI KENNEDY, )  
Plaintiff, )  
-vs- )  
PEOPLESFIRST HOMECARE )  
& HOSPICE OF INDIANA, LLC, )  
Defendant. )

CERTIFICATE OF RETURN OF SERVICE OF SUMMONS

Plaintiff counsel pursuant to Indiana Rule of Trial Procedure 4.15(A)(1) hereby certifies that according to the United States Postal Service website, the complaint and summons were delivered to Defendant's Resident Agent by U.S. Certified Mail, on 15 November 2019 at 10:14 a.m.

At: Peoplesfirst Homecare & Hospice of Indiana, LLC c/o CT Corp. System  
150 West Market St, Suite 800, Indianapolis, IN 46204

Tracking No.: 7017 1450 0001 8549 4813

18 November 2019

/s/Christopher K. Starkey  
Christopher K. Starkey

Christopher K. Starkey  
Atty No. 11757-49  
406 South Harrison Street  
Shelbyville, Indiana 46176  
(317) 550-7608  
StarkeyCK@msn.com



**Service of Process  
Transmittal**

11/15/2019

CT Log Number 536639555

**TO:** SCOTT WANDSTRAT  
KINDRED AT HOME  
3350 RIVERWOOD PKWY SE STE 1400  
ATLANTA, GA 30339-3314

**RE: Process Served in Indiana**

**FOR:** Peoplefirst HomeCare & Hospice of Indiana, L.L.C. (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** KELLI KENNEDY, PLTF. vs. PEOPLEFIRST HOMECARE & HOSPICE OF INDIANA, LLC, DFTS.

**DOCUMENT(S) SERVED:** Summons, Complaint, Attachments

**COURT/AGENCY:** Marion County Superior Court, IN  
Case # 49D071911PL047297

**NATURE OF ACTION:** Employee Litigation - Discrimination

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Indianapolis, IN

**DATE AND HOUR OF SERVICE:** By Certified Mail on 11/15/2019 postmarked on 11/12/2019

**JURISDICTION SERVED :** Indiana

**APPEARANCE OR ANSWER DUE:** within 20 days commencing the day after you receive this Summons (Document(s) may contain additional answer dates)

**ATTORNEY(S) / SENDER(S):** Christopher K. Starkey  
406 South Harrison Street  
Shelbyville,, IN 46176  
317-550-7608

**ACTION ITEMS:** CT has retained the current log, Retain Date: 11/15/2019, Expected Purge Date: 11/20/2019

Image SOP

Email Notification, SCOTT WANDSTRAT scott.wandstrat@gentiva.com

Email Notification, TERRA KOVACS terra.kovacs@kindred.com

Email Notification, RONALD LAZAS ronald.lazas@kindred.com

**SIGNED:** C T Corporation System  
**ADDRESS:** 208 S La Salle St Ste 814  
Chicago, IL 60604-1101

**For Questions:** 866-331-2303  
CentralTeam1@wolterskluwer.com

Page 1 of 1 / CJ

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

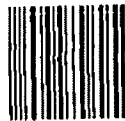
CK Starkey  
406 S Harrison St  
Shelbyville, IN 46176



7017 1450 0001 8549 4813



1000



46204

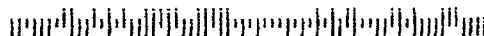
U.S. POSTAGE PAID  
FCM LETTER  
SHELBYVILLE, IN  
46176  
NOV 12, 19  
AMOUNT

**\$4.05**

R2304M114723-30

Peoplefirst Homecare & Hospice of Indiana, LLC  
c/o CT Corp. System  
Suite 800  
150 West Market St  
Indianapolis, IN 46204

46204-280699



This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

## Kelli Kennedy v. Peoplefirst Homecare & Hospice of Indiana, LLC

Case Number 49D07-1911-PL-047297  
Court Marion Superior Court, Civil Division 7  
Type PL - Civil Plenary  
Filed 11/11/2019  
Status 11/11/2019 , Pending (active)

### Parties to the Case

Defendant Peoplefirst Homecare & Hospice of Indiana, LLC

Plaintiff Kennedy, Kelli

Attorney Christopher Kenneth Starkey  
#1175749, Retained  
Attorney at Law  
406 South Harrison Street  
Shelbyville, IN 46239  
317-550-7608(W)

### Chronological Case Summary

11/11/2019 **Case Opened as a New Filing**

11/12/2019 **Complaint/Equivalent Pleading Filed**  
Complaint for Damages & Injunctive Relief - jury trial requested  
Filed By: Kennedy, Kelli  
File Stamp: 11/11/2019

11/12/2019 **Appearance Filed**  
Appearance of Christopher K. Starkey  
For Party: Kennedy, Kelli  
File Stamp: 11/11/2019

11/12/2019 **Subpoena/Summons Filed**  
Summons  
Filed By: Kennedy, Kelli  
File Stamp: 11/11/2019

11/13/2019 **Certificate of Issuance of Summons**  
Certificate of Issuance of Summons  
Filed By: Kennedy, Kelli  
File Stamp: 11/12/2019

11/19/2019 **Service Returned Served (E-Filing)**  
Return of Service  
Filed By: Kennedy, Kelli  
File Stamp: 11/18/2019

## Financial Information

\* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

**Kennedy, Kelli**

Plaintiff

Balance Due (as of 12/05/2019)

0.00

### Charge Summary

Description	Amount	Credit	Payment
Court Costs and Filing Fees	157.00	0.00	157.00

### Transaction Summary

Date	Description	Amount
11/12/2019	Transaction Assessment	157.00
11/12/2019	Electronic Payment	(157.00)

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.